

# **Legislative and Public Policy Committee (LPPC)**

## **Minutes**

February 5, 2014

### **Members Present**

Janelle Lewis, Chair  
Connie Lapin  
Ray Ceragioli  
April Lopez  
David Forderer (Tel)  
Lisa Davidson

### **Members Absent**

David Mulvaney  
Brian Gutierrez  
Tho Vinh Bah  
Jennifer Allen  
Dan Boomer

### **Others Attending**

Mark Polit (Staff)  
Robert Philips (Staff)  
Anastasia Bacigalupo (Staff) (Tel)  
George Lewis (AB 6)  
Karim Alipourfard (Staff)  
George McElory (Parent) (Tel)  
Joyce McNair (Parent)

### **1. CALL TO Order**

Chairperson Lewis Called the meeting to order at 10.07 AM

### **2. ESTABLISHMENT OF A QUORUM**

A quorum was established

### **3. WELCOME AND INTRODUCTIONS**

Members introduced themselves.

#### **4. APPROVAL OF JANUARY 14, 2014 MINUTES**

Connie Lapin Moved and Lisa Davidson seconded to approve the minutes as amended. Motion Passed (6-0-0).

#### **5. PUBLIC COMMENTS:**

None

#### **6. MEMBER REPORTS**

1. Lisa Davidson talked about Music Rocks Autism. They will be spreading autism awareness this year in Santa Ana California through a concert. The money raised will purchase instruments for students with autism.
2. Janelle Lewis talked about and distributed the printed copies of Dr. Carl Cohn's Power Point Presentation on the Special Education Task Force's purpose, membership, goals, and public participation. Janelle also discussed the impact of the common core state standards on special education students.
3. Ray Ceragioli discussed distributing 95 copies of the report of the Task Force on the Future of Developmental Centers at a meeting of the Fairview DC Family and Friends. He also distributed copies of two court decisions affecting conservator rights, plus over 100 copies of the SB 946, Self-Determination.
4. Connie Lapin talked about several issues including law officer training and Self Determination. Emily Island of Autism Society of Los Angeles has a film for family training on dealing with law enforcement personnel. The emphasis is that the officer's training not only should be on Police procedures, but also on understanding of the type of disability and what to expect and what to do.

#### **7. LEGISLATIVE PLATFORM**

Mark presented the committee's working draft of the Legislative Platform. Members made recommendations for changes. Mark took notes and said he would present the revised version at their March meeting. The committee hopes to have it ready to present to the council at their next meeting.

## **8. LEGISLATION**

A-.Status of Bills with Council Position – Mark Polit reported that AB 1595 (Chesbro), sponsored by the Council, was just introduced to bring state law into compliance with the federal law governing Council funding and operations. SB 577 (Pavley), co-sponsored by the Council, passed the Senate without a dissenting vote. SB 663 (Lara) on victims of crime against people with developmental disabilities also passed out of the Senate without any dissenting votes. AB 420 (Dickenson) on suspension of students for “willful defiance” was put on the inactive list while the author tries to address concerns of the Governor.

B. AB 1089 (Calderon), Transfer of Foster Children. Mark presented SEIU’s and ARCA’s proposed amended version of the bill. The committee discussed this version and the draft prepared by the author. The committee hopes to be able to review an amended bill at the next meeting.

C. SB 579 (Berryhill), Commission on Oversight of Regional Center Services. This bill would have the Legislature establish a Commission to hold hearings, gather information, and make a recommendation (By September 30, 2016) on the best methods of oversight for services now licensed by Community Care Licensing. Mark Polit presented the most recent amendments to the bill which addressed the main concern of the LPPC – representation of advocates, consumers and family members on the proposed commission. The LPPC directed staff to work with the sponsor to gain greater balance on the Commission by having at least three members of the proposed Commission include a consumer, a family member and an advocate. The LPPC also asked for information on “advisory groups to provide special input.”

D. AB 1335 (Maienschein), sentencing of sex offenders. The Committee asked staff to seek information from the DA and Disability Rights California on this bill.

## **9. CO-PAY/DEDUCTIBLES FOR IPPSERVICES**

Janelle Lewis distributed an announcement on an information hearing on the implementation of SB 946 (Steinberg). The hearing will be on March 4, 2013 at 1:30PM. Mark Polit described the need for collection of data on the impact on families.

## **10. PARENTAL FEE**

George McElroy, a parent, was invited by the Committee to call in through teleconference. He expressed his sense of frustration with the parental fee procedures, claiming the Department shows inconsistency and inaccuracy in setting parental fees of persons with disabilities. He said he is the parent of a 16 year old boy with sever autism who resides in a 24/7 care facility in Los Angeles. His fee has been set at different levels during the appeals process. He is willing to take legal action if it is not resolved. He also said the fees are too high, based on poor assumptions in the USDA schedule of family expenses, and that parents should have the right to appeal. He recommended a cap on the family fee of 4% of adjusted gross income. He also said that DDS forms indicate and the Lanterman Act requires that the parental fees are used to grow new programs, but that it appears to just go into the general fund.

Mark Polit shared an email from Eric Gelber, Legislative Director at DDS. Mark explained that the Lanterman Act requires that the SCDD approve any change in the parental fee schedule. However, the trailer bill language of 2009 that increased the fee specifically exempted DDS from the State Council review and approval for that increase. Mr. McElroy said that the Council had approved a subsequent increase in 2012.

Members were sympathetic to Mr. McElroy's grievances and scheduled a further discussion for the March 5 LPPC meeting.

Mark Polit summarized the issues from the discussion that the LPPC may want to consider for recommendations to the Council. The Committee concurred with this summary:

- (1) Are the fees fair? The fees are based on the USDA chart for family expenses for children. But the chart assumes that the children go to private school. Also the chart assumes that housing expenses are evenly split among the adults and children of the household. But when a child moves out of the home, the rent or mortgage does not go down.
- (2) Are the fees too high? Should there be a cap based on a percentage of the family's adjusted gross income? What should that cap be?
- (3) Should there be appeal rights for the amount of the fee for a third party adjudication, such as in the fair hearing process.

- (4) Are DDS internal procedures for assigning parental fees consistent with statute? (This is an implementation issue, not a policy issue, and it was not clear how the Council could address this).
- (5) Has the Council's approval of fees been restored?
- (6) Should funds collected from the families be directed to the Program Development Fund for creation of new and innovative services?

## **11. LONGTERM SERVICES AND SUPPORTS**

The December 11, 2013 letter from California Collaborative for Long Term Services and Supports (CCLTSS) was presented to the committee. Mark suggested that the LPPC may consider recommending some of these items to the Council to allow us to work with other active organization and groups on goals aimed at long-term care issues. The Committee asked that Mark summarize the key issues in a format for Committee action at the next meeting.

## **10. PLANNING FOR NEXT MEETING**

Next LPPC meeting to be held on March 5, 2014 from 10 AM to 3 PM.

## **11. ADJOURNMENT**

Chairperson Lewis adjourned the meeting at 2:50 PM.